

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1115 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
31/03/2004 in WPMP No. 7747 of 2004 in WP No. 5961 OF 2004 on the file of the
High Court.)

Between:

1. Challa Mahesh, S/o. Ch. Sheshaiah,
Vehicle No. AP-09-DQT/R-2787, R/o.H.No. 11-1-238, Chenna Reddy
Colony, Warangal, Warangal District.
2. Pasarugonda Rajashekhar, S/o. P. Dasharatham,
Vehicle No. AP-36-V-8002, R/o.1-0-786, Bhassth Nagar,
Hanumakonda, Warangal District.
3. K.C. Krihsna, S/o. Rajanna,
Vehicle No. AP-09-DQT/R-348, R/o.H.No. 2-12-24/1, Vayuputhra
Colony, Vidyaranyaपुरी, Lashkar Bazar, Hanumakonda, Warangal District.
4. Mrs. Karpurapu Suvarna, W/o. K. Ramchandru,
Vehicle No. AP-36V-8015, R/o. H.NO. 2-9-495, Snehanagar,
Hanumakonda, Warangal District.
5. Mrs. M. Ganga, W/o. M. Srinivas,
Vehicle No. AP-36V-9477, R/o.H.No. 25-7-208, New Mahankali Temple, Vishnupuri,
Kazipet, Warangal District.
6. Md. Yaqoob, S/o. Afzal,
Vehicle No. AP-36V-9164, R/o.H.No. 24-1-200, Dargah Kazipet (Ja), Kazipet,
Warangal District.
7. Bathini Venu Gopal, S/o. Rajan Babu,
Vehicle No. AP-36V-9376, R/o.H.No. 17-10-7, Orus Bodri,
Warangal, Warangal District.

..... APPELLANTS

AND

The Secretary, Regional Transport Authority,
Warangal, Warangal District.

.....RESPONDENT

Counsel for the Appellants: Mr.P.SRIDHAR RAO

Counsel for the Respondent: GP FOR TRANSPORT

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Appeal arises out of an order passed by the learned Single Judge dismissing W.P.M.P. No. 7747 of 2004 filed in W.P.No. 5961 of 2004, pending Writ Petition filed by the appellants. They were praying for a direction against respondent not to insist that petitioner-appellants' autos shall ply outside the limits of municipal area i.e. Warangal, Hanamkonda and Kazipet within a radius of 60 kms. from the residence of owner excluding prohibited roads in permit. Learned Single Judge relied upon earlier order passed on 31.3.2004 in W.P.M.P. No. 4964 of 2004 and batch in W.P. No. 3765 of 2004 and batch holding that there was no prima facie case for issuing similar directions prayed for pending the Writ Petition. The order dated: 31.3.2004 is a reasoned order holding that the conditions imposed in contract carriage permit cannot be said to be unreasonable and specifying that so long as conditions imposed in contract carriage permit are in force, any direction contrary to the conditions cannot be issued. Petitioner-appellants' writ petition is also the same, in which they are seeking same relief as was sought in the miscellaneous application.

The grievance of the learned counsel for the appellants is that in similar matter, another Bench of this Court has directed to permit the auto rickshaw drivers to continue to ply their vehicles within the municipal areas of Warangal, Hanamkonda and Kazipet. As a matter of fact, there is no binding precedent brought to our notice by the learned counsel for the appellants. Our attention has been drawn to the reasoned order passed on 31.3.2004 by the learned Single Judge and we agree with the learned Single Judge that such a prayer as made in the miscellaneous application by the appellants cannot be granted during the pendency of the Writ

Petitions till conditions imposed in the permit are continued to be operative. In that view of the matter, we do not see any ground to entertain this appeal and interfere with the impugned order. Therefore, the Writ Appeal is dismissed. No costs.

DEVINDER GUPTA, C.J.

16.8.2004.

C.V.RAMULU, J.

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To

1. The Secretary, Regional Transport Authority,
Warangal, Warangal District.

2. Two CCs to Govt. Pleader for Transport, High Court Buildings,
Hyderabad.

3. Two CD copies.